REMARKS/ARGUMENTS

Entry of this response and reconsideration and allowance of the above-identified patent application are respectfully requested. A Request for Continued Examination (RCE) is being filed concurrently with the present response.

In the previous response, Applicant requested the correction of inventorship, but the amendment was not acknowledged. Applicant respectfully requests acknowledgment and entry of the amendment to inventorship requested herein.

Claims 21-90 were rejected in the office action. Claims 21-23, 25, 26, 29, 31, 34, 35, 39, 41, 52, 56-58, 60, 62, 65, 66, 71-75, 80, and 81 have been amended herein. Claims 24, 28, 30, 32, 33, 36-38, and 86 have been canceled. Dependent claims 91-95 have been added. Therefore, following entry of the present amendment, claims 21-23, 25-27, 29, 31, 34, 35, 39-85, and 87-95 will be pending in the present application.

Claim 87 was objected to under 37 C.F.R. 1.75 as being a substantial duplicate of claim 86. Claim 32 was rejected under 35 U.S.C. § 112, first paragraph, while being enabling for a species including speech input, does not reasonably provide enablement for the species also including image input. Claims 21-22 stand rejected under 35. U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 21-90 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,144,848 to Walsh et al. ("Walsh").

Applicant would like to thank Examiner Smith for conducting a telephone interview with Applicant. Applicant and Examiner Smith discussed the disclosure of Walsh in comparison with the claimed invention. Although agreement as to specific claim amendment was not reached, the discussion with Examiner Smith was helpful in facilitating and progressing the prosecution of the present application.

Briefly, in one embodiment, the present invention provides for a handheld communication device that comprises an audio input device, an audio output device, a user input device, and a processor. The device may include voice recording and reproduction capabilities and an image input device. In addition, the device may

include a memory for storing information such as information for making a purchase (such as, for example, credit card information), destination information, and/or user data (such as, for example, the name and/or address of the user). The destination for transmitting data may be determined based on a voice input, an image input, or on information stored in memory. The data may be wirelessly transmitted to a remote device, which, for example purposes only, may be a web server configured to process the sale of the item. The device may form part of a cellular telephone and, therefore, be capable of establishing a voice link over a mobile telephone network for voice communications. Alternately, the device may be integrated into a handheld computer or other portable wireless devices capable of directly accessing the remote computer.

Claims 21 and 22 have been amended to overcome their rejections under 35 U.S.C. § 112. Claim 32 has been canceled rendering the rejection of claim 32 moot, although Applicant respectfully traverses the rejection of claim 32. Claims 21-90 stand rejected under 35 U.S.C. 102(e) as being anticipated by Walsh. Walsh discloses a low power handheld device for accessing a host computer server. Specifically, the user connects to the host computer server and may transmit command messages to the host computer in real-time. For example, after connection to the host computer, the user may scan a bar code that is imprinted on a bar code command card. The command bar codes correspond to command instructions. Example command cards are shown in Figures 7 and 8 of Walsh. The user may also scan a UPC (Universal Product Code) bar code, which identifies a product. The scanned bar codes are combined into a command message that is transmitted to the host computer. The command message also may include a voice message that may be stored on the host computer. In response to the command instruction included in the command message, the host computer may perform certain actions (e.g., place an order and/or transmit an informational message to the handheld device).

Thus, the invention of Walsh is fundamentally different from the present invention. The present invention contemplates storing voice and/or image data on the handheld device for later retrieval and/or transmission. In contrast, Walsh

contemplates being connected to the host computer, prior to receiving the image or voice input and, therefore, does not disclose storing images or voice data on the handheld device. In essence, the handheld device of Walsh is simply a mechanism for providing commands and information to the host computer.

For example, the invention of Walsh establishes a connection with the host computer prior to receiving the voice or image input. After the connection is established, the command instruction and other codes may be scanned. See steps 1111 and 1112 of Figure 11 and Col. 29, ll. 14-15 and Col. 29, ll. 34-36. Next, the scanned bar codes are converted to integers. See Col. 33, ll. 33-42 and Col. 16 l. 66 thru col. 17, l. 3. The integers (i.e., integers corresponding to command instructions and other data such as product information) may be combined in a command message and transmitted to the host computer. See Col. 31, ll. 60-63. Thus, Walsh does not disclose storing images. In addition, because the handheld device of Walsh converts the scanned bar code to an integer, Walsh also fails to disclose transmitting images.

In the case of voice inputs of Walsh, after the handheld device is in communication with the host computer, the handheld device may receive a voice input from the user which is transmitted to the host computer for storage. Thus, Walsh fails to disclose storing voice inputs in the handheld user device and, further, does not disclose retrieving and audibly reproducing the voice inputs to the user. Again, Walsh contemplates a device for real-time accessing of a host computer, as opposed to a handheld device capable of storage and later transmission or retrieval of voice data.

Walsh also fails to disclose a handheld device that identifies a command as part of a voice input. Instead, Walsh simply transmits the voice input as a voice message as part of the command message to the host computer. See Col. 18, ll. 7-11. Furthermore, the host computer of Walsh does not convert the voice message to a command. Instead, the host computer simply records the voice message, which may be processed by a clerk. Col. 20, ll. 13-17.

Additionally, Walsh distinguishes between a command instruction and a command message. For example, Walsh states "The operator enters command

instructions and data for encoding into command messages ...." Col. 23, ll. 61-64. Also see Col. 26, ll. 57-59, Col. 28, ll. 25-26. Thus, a command message may include a command instruction and other data. Walsh further defines a command instruction as "interpreted by an application running on the host server 110 as specific instructions ..." Col. 20, ll. 42-44. The voice message of Walsh may form part of the command message, but it does not constitute a command instruction. In other words, Walsh does not disclose that the host computer interprets, identifies, or otherwise performs any actions based any voice message. In essence, in contrast to the claimed invention, the handheld device of Walsh does not act on or respond to any voice command, but simply provides a method of transmitting voice messages to the host computer.

In addition, Walsh fails to disclose receiving a voice input that corresponds to or identifies a product. Instead, Walsh discloses scanning a bar code representing the UPC of a product. See, for example, Col. 33, ll. 33-37.

Finally, in Walsh, after converting the bar code to an integer, the handheld device may retrieve a telephone number associated with the number from memory. Col. 30 ll. 46-51. If no telephone number is associated with the number, the device retrieves a default telephone number. Col. 30, ll. 51-56. However, Walsh does not disclose receiving destination information as part of voice input.

In summary, Applicant submits that Walsh fails disclose a handheld device configured to:

- store images;
- transmit images;
- store voice inputs
- retrieve and audibly reproduce stored voice inputs;
- identify or respond to voice commands;
- receive voice inputs that identify a product; or
- receive or identify destination information as part of a voice input.

Applicant submits that the independent claims, as amended, include one or more of these limitations. The following remarks provide explanations as to some of

the more distinguishing claim limitations on a claim by claim basis for the independent claims.

Independent Claim 21

Independent claims 21 requires a computer readable medium encoded with executable instructions to cause the processor to store a first voice input in memory, retrieve the first voice input from memory, and to audibly reproduce the first voice input at the audio output device. As discussed in the interview, this feature may be used to store and replay voice memos by the user. Walsh fails to disclose this combination of limitations as claimed. Walsh discloses transmitting a voice message to a host computer for storage, but fails to disclose the feature as claimed on a handheld device or at the host computer.

As amended, claim 21 also requires a computer readable medium encoded with executable instructions to cause the processor to retrieve a second voice input from memory and to identify a command in the second voice input. This limitation is supported in the specification at page 34, lines 1-2. As discussed above, Walsh simply transmits the voice input to the host computer for storage as part of a command message. Thus, Walsh does not disclose (1) storing a voice input, (2) retrieving the voice input, or (3) identifying a command in the retrieved voice input.

Independent Claim 23

As amended, Claim 23 requires a computer readable medium encoded with executable instructions to cause the processor to identify destination information in a voice input and to transmit a signal to the destination. Walsh discloses a device that retrieves telephone numbers from memory, but fails to disclose using a voice input having destination information. Thus, Walsh fails to disclose (1) using a voice input that includes destination information; (2) identifying destination information in a voice input; and (3) transmitting a signal to that destination.

Independent Claim 31

Claim 31 has been amended to add the limitation that the second input includes a voice input that includes an Internet address information of a remote computer. As discussed above, Walsh fails to disclose receiving a voice input that includes address information of a remote computer. Furthermore, the device of

Walsh connects to the host computer by dialing a phone number. Thus, Walsh fails to disclose a destination that is an Internet address of a remote computer or a voice input that includes an Internet address of a remote computer. In addition, as discussed above, Walsh fails to disclose storing and audibly reproducing a voice messages as claimed.

Independent Claims 41

Claim 41 has been amended to require receiving a plurality of images at the image input device and storing the plurality of images in memory. Walsh discloses converting each scanned image of a bar code to an integer. See Walsh, col. 33, lines 37-42. Walsh fails to disclose storing a plurality of bar code images (or integers) in memory. As discussed above, Walsh contemplates a device that is in communication with a host server and, therefore, has no need to store multiple bar codes or their integer equivalents.

In addition, as amended claim 41 requires receiving a first speech input, and storing the first speech input in memory, and identifying command information in the speech input. As discussed above, Walsh fails to disclose storing speech inputs in a handheld device or identifying a command in a speech input, but instead discloses simply transmitting a voice message to the host computer for storage.

Independent Claim 52

Claim 52 has been amended to require identifying information corresponding to an article of commerce in a first speech input. In contrast, the device of Walsh can be used to scan a UPC bar code that identifies a product. Walsh also discloses transmitting a voice message to a host server. However, Walsh does not contemplate identifying information in a speech input at the host computer or in the handheld device.

Independent Claim 56

Claim 56 has been amended to claim receiving a plurality of image data at the image input device and storing the plurality of images in memory. As discussed above, Walsh contemplates real-time communications between the handheld device and the host computer and does not disclose storing images. In addition, the bar code reader of the device disclosed by Walsh immediately converts the bar codes to

integers. See Walsh at Col. col.17, ll. 1-3. Consequently, Walsh teaches away form the storage of images.

In addition, claim 56 requires transmitting images to a remote destination. Because the device of Walsh converts the bar codes to integers, the device could not transmit images. Consequently, Walsh fails to disclose storing images or transmitting images to a remote computer as claimed.

Independent Claim 74

Claim 74 has been amended to require receiving a plurality of images and storing the plurality of images in memory. As discussed, Walsh fails to disclose storing any images in memory, but instead converts the bar codes to integers. In addition, claim 74 requires that at least one of said plurality of images received include information of a destination for transmitting a signal. Again, Walsh discloses a device that retrieves telephone number from memory based on the bar code integer and therefore fails to disclose an image having information of a destination for transmitting a signal as claimed.

Independent Claim 81

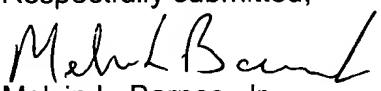
Claim 81 has been amended to require receiving a plurality of images at said image input device and storing the plurality of images in memory. As discussed, Walsh fails to disclose storing any images in memory or retrieving any images.

Accordingly, applicant respectfully requests withdrawal of the rejection of independent claims 21, 23, 31, 41, 52, 56, 74 and 81. Because a claim that depends from a patentably distinguishable claim is also patentably distinguishable, Applicant respectfully submits that claims 22, 25-28, 29, 34, 35, 39, 40, 42-51, 53-55, 57-73, 75-80, 82-85, and 87-95, which depend from the above independent claims, are in condition for allowance.

CONCLUSION

In view of the foregoing, applicant respectfully submits that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the present application for any reason, the Examiner is encouraged to contact the undersigned, Mel Barnes at (301) 452-9065 (cell) or MLB752@hotmail.com, to discuss resolution of any remaining issues.

Respectfully submitted,



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